

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Case No. 1:23-cv-00423-WO-JLW

TIMIA CHAPLIN and PAULINO  
CASTELLANOS, on behalf of themselves and  
all others similarly situated,

*Plaintiffs,*

v.

WILLIE R. ROWE, in his official capacity as  
the Sheriff of Wake County; JOHN DOE  
SURETY, as surety for the Sheriff of Wake  
County; BRIAN ESTES, in his official capacity  
as the Sheriff of Lee County; JOHN DOE  
SURETY, as surety for the Sheriff of Lee  
County; TYLER TECHNOLOGIES, INC.; and  
DOES 1 THROUGH 20, INCLUSIVE,

*Defendants.*

**MOTION TO EXTEND TIME TO  
FILE AMENDED COMPLAINT**

Plaintiffs in the above-captioned action, by and through undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1(a), hereby respectfully request the Court for permission to extend the time to respond or file an amended complaint by one week to November 3, 2023. All Defendants consent to this motion. In support of this motion, Plaintiffs state the following:

1. Plaintiffs initiated this action on May 23, 2023. *See* ECF No. 1.
2. Defendants each filed separate motions to dismiss the action. *See* ECF Nos. 10 (Defendant Brian Estes filed on August 31, 2023), 15 (Defendant Willie R. Rowe filed on September 6, 2023), and 20 (Defendant Tyler Technologies, Inc. filed on September 20, 2023). Defendant Tyler's motion to dismiss was filed subject to an extension.

3. Because Defendants each filed their motions to dismiss on separate dates, the Court granted a series of Plaintiffs' extension motions intended to consolidate the deadline for Plaintiffs to respond or file an amended complaint. Plaintiffs' current deadline to respond or file an amended complaint is October 27, 2023.

4. This case involves civil rights violations arising from the rollout of the so-called "eCourts" software in North Carolina—a rollout that is still ongoing. The state's largest county, Mecklenburg County, recently adopted the software beginning October 9, 2023.

5. Counsel for Plaintiffs intend to file an amended complaint. But the recent rollout of eCourts in Mecklenburg County has given rise to additional facts relevant to their claims. Counsel for Plaintiffs require additional time to investigate the legal implications of this rollout in Mecklenburg County prior to filing their amended complaint.

6. Plaintiffs' motion is filed in good faith and not for purposes of gamesmanship or delay.

7. Pursuant to Local Civil Rule 6.1 and prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendants, all of whom consent to this motion.

8. Plaintiffs respectfully submit that good cause exists for granting this motion, based on the above-described circumstances.

WHEREFORE, Plaintiffs move to extend the time to respond or file an amended complaint in response to all Defendants' motions to dismiss, and for an order scheduling Plaintiffs' new deadline for November 3, 2023, inclusive.

\* \* \* Signatures Appear on Next Page \* \* \*

Respectfully submitted this the 24<sup>th</sup> day of October, 2023.

/s/ Gagan Gupta

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*Counsel for Plaintiffs Timia Chaplin and  
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and all others similarly situated*

## CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the attorney is, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and that on this day, copies of the foregoing will be served on the following by electronic mail or by the Court's Case Management / Electronic Case Filing ("CM/ECF") system:

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*Counsel for Defendant Willie R. Rowe*

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*Counsel for Defendant Brian Estes*

The undersigned attorney certifies under penalty of perjury that the foregoing is true and correct.

This the 24th day of October, 2023.

/s/ Gagan Gupta  
Gagan Gupta (NCSB #: 53119)

*Counsel for Plaintiffs Timia Chaplin and Paulino Castellanos, on behalf of themselves and all others similarly situated*